

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 1:05-cr-65-01

Plaintiff,

Hon. Richard Alan Enslen

v.

RONALD CORNELIOUS HEMPHILL,

ORDER

Defendant.

/

This matter is now before the Court on Kenneth P. Tableman's Motion for Appointment of Counsel for Defendant Ronald Cornelious Hemphill.

The Sixth Circuit Court of Appeals reversed Defendant's sentence and remanded the case to this Court for re-evaluation on April 10, 2007. *See United States v. Hemphill*, No. 06-1154. The mandate issued on May 9, 2007. Defendant has requested Mr. Tableman continue to represent him at his resentencing. Mr. Tableman was previously appointed to represent Defendant on his direct appeal by the Sixth Circuit pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A.

This Court previously granted Defendant's request to proceed *in forma pauperis* on appeal. (See Dkt. No. 42.) Pursuant to the Criminal Justice Act, the Court may appoint counsel for indigent defendants during any stage of a criminal proceeding. 18 U.S.C. § 3006A(c). In granting this Motion, the Court relies the previously filed Criminal Justice Act Form 23 evidencing Defendant's indigent status and counsel's representation that Defendant's financial situation remains unchanged. Accordingly, Defendant's current counsel shall represent Defendant on remand, and shall consider himself appointed in that capacity within the meaning of the Criminal Justice Act. *See* 18 U.S.C.

§ 3001 *et seq.* Accordingly, Defendant's counsel is entitled to bill for his time spent working on Defendant's re-sentencing under the Act. 18 U.S.C. § 3006A(d).

IT IS HEREBY ORDERED that Defendant's Motion for Appointment of Counsel (Dkt. No. 49) is **GRANTED** for the purpose of resentencing.

IT IS FURTHER ORDERED that resentencing is scheduled for July 24, 2007 at 11:00 a.m. Either party may file a sentencing memorandum on or before July 13, 2007.

IT IS FURTHER ORDERED that counsel for the Government shall provide the Marshal Service with the appropriate paperwork to allow attendance of the defendant at the resentencing.

Dated in Kalamazoo, MI:
May 23, 2007

/s/Richard Alan Enslen
Richard Alan Enslen
Senior United States District Judge